

REMARKS**SUMMARY**

Reconsideration of the application is respectfully requested.

Claims 1-38 were rejected in the above-identified final Office Action. Claims 1-38 remain pending in the application.

Applicants appreciatively acknowledge the Examiner's consideration of Applicants' amendments and arguments filed October 18, 2005, as well as the Examiner's withdrawal of the rejection of claims 2 and 21 under 35 U.S.C. §112, first paragraph.

SPECIFICATION

In "Specification," item 10 on page 4 of the above-identified final Office Action, the Examiner objects to the use of the trademark "Java" in the Specification of the present application (see, e.g., pg.2 of the Specification). In view of the discussion below regarding rejections of claims 4, 5, 8, 23, 24, and 27 for their use of the trademark "Java," Applicants respectfully submit that use of the term "Java" is appropriate under MPEP 608.01(v).

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112," item 12 on page 5 of the above-identified final Office Action, claims 4, 5, 8, 23, 24 and 27 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that claims 4, 5, 8, 23, 24, and 27 fail to particularly point out and distinctly claim the subject matter which Applicants regard as their invention because those claims contain the trademark/trade name Java.

According to MPEP 608.01(v), "... the use of trademarks having definite meanings is permissible in patent applications" Applicants submit that Java has a definite meaning within the art. Java, in fact, is one of the two predominant object-oriented programming languages, and has been used in countless software applications. The definite meaning of "Java" has been consistently recognized by the United States Patent and Trademark Office. A search of its "USPTO Patent Full-text and Image Database" using

“Java” as the keyword, and looking only in the claims of issued patents, reveals 1,240 patents having the mark “Java” at least once in their claims (search performed Jan. 30, 2006). Example patents include: U.S. Patent No. 6,938,214 to *Proulx, et al.*; U.S. Patent No. 6,938,041 to *Brandow, et al.*; and U.S. Patent No. 6,754,884 to *Lucas, et al.* Thus, it is apparent that “Java” does in fact have a definite meaning, and under MPEP 608.01(v), can be used in the claims and specification of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In “Claim Rejections – 35 USC § 102,” item 14 on page 5 of the above-identified Office Action, claims 1, 2, 3, 6, 7, 20-22, 25, 26, 33, 36, and 38 have been rejected as being fully anticipated by U.S. Patent No. 6,292,936 to *Wang* (hereinafter “Wang”) under 35 U.S.C. § 102 (e). Applicants respectfully traverse the rejection.

Claim 1 calls for a “method of computing comprising:
reading a data processing representation having code sections with code statements of
at least a first and a second programming language;
recognizing a first code section with at least code statements of a first programming
language;
invoking a first code statement processing unit of the first programming language to
process the first code section;
recognizing a second code section with at least code statements of a second
programming language; and
invoking a second code statement processing unit of the second programming
language to process the second code section.”

In contrast, Wang merely teaches “an interpreter-based scripting environment [that] includes multiple runtime processors executed by the computer. Each of the runtime processors processes their respective corresponding intermediate sources derived from an

original source in a synchronous manner.” (abstract) Specifically, the original source disclosed in Wang comprises an HTML document with embedded Visual Basic scripting language blocks. Wang teaches an HTML parser that parses the original HTML + VB source, and translates the non-VB source into a first intermediate source executable by a Java VM, and the VB source into a second intermediate source having the VB script statements executable by a VB script interpreter.

Thus, Wang merely teaches encountering a code section with code statements of a programming language (non-VB or VB), translating the code statements of the programming language into first intermediate sources (non-VB -> Java, VB to “wrapped” VB) suitable for execution by a processor (Java VM or VB script interpreter), and invoking the processor (Java VM or VB script interpreter) to process the intermediate sources. Wang does not teach nor anticipate the required “invoking of a first code statement processing unit of the first programming language to process the first code section” of claim 1. Note that as recited, claim 1 requires the invoked “code statement processing unit” to process the recognized “code section,” not an intermediate source derived from the recognized “code section,” as taught by Wang.

Accordingly, claims 1 is patentable over Wang under §102(e).

Claim 20 includes similar language directed to an apparatus of the invention. Thus, for at least the same reasons, claim 20 is patentable over Wang.

Claims 2, 3, 6, 7, 21, 22, 25, 26, 33, 36, and 38 depend from claims 1 and 20, incorporating their limitations respectively. Thus, for at least the same reasons, claims 3, 6, 7, 21, 22, 25, 26, 33, 36, and 38 are patentable over Wang.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” item 16 on page 8 of the above-identified final Office Action, claims 4, 5, 8, 23, 24, and 27 have been rejected as being obvious over Wang in view of U.S. Patent No. 6,732,330 to *Claussen* (hereinafter “*Claussen*”) under 35 U.S.C. § 103 (a). The rejection of claim 1 is incorporated respectively. For at least the reasons previously provided, Applicants traverse.

Claussen fails to cure the above discussed deficiencies of Wang. Therefore, claims 1 and 20 remain patentable over Wang even when combined with Claussen.

Claims 4, 5, 8, 23, 24, and 27 depend from claims 1 and 20, incorporating their limitations respectively. Thus, for at least the same reasons, claims 4, 5, 8, 23, 24, and 27 are patentable over Wang.

Additionally, even assuming for the sake of argument some teaching to combine Wang and Claussen (Applicants do not concede that any such teaching exists), Claussen fails to disclose "wherein said first language is a directive language, and said second language is a selected one of XML and Java," as recited by claim 4 (claims 5, 8, 23, 24, and 27 contain similar recitations to the above mentioned recitation of claim 4). Rather, Claussen teaches "a web page . . . supporting multiple scripting languages is compiled into an XML . . . DOM (Document Object Model), and, thereafter, into a Java servlet." While multiple scripting languages are mentioned, Claussen simply does not suggest the use of a directive language, XML, or Java as one or more of the multiple scripting languages. Instead, Claussen teaches the compiling of said languages into XML, and then into a Java servlet. Therefore, Claussen does not teach the limitation lacking in Wang, and thus when combined with Wang cannot form the basis for an obviousness rejection.

Accordingly, claims 4, 5, 8, 23, 24, and 27 are clearly patentable over Wang in view of Claussen.

In "Claim Rejections – 35 USC § 103," item 17 on page 10 of the above-identified final Office Action, claims 9-13, 28-32, 34, 35, and 37 have been rejected as being obvious over Wang in view of U.S. Patent No. 5,428,792 to *Conner et al.* (hereinafter "Conner") under 35 U.S.C. § 103 (a). The rejection of claim 1 is incorporated respectively. For at least the reasons previously provided, Applicants traverse.

Conner fails to cure the above discussed deficiencies of Wang. Therefore, claims 1 and 20 remain patentable over Wang even when combined with Conner.

Claims 9-13, 28-32, 34, 35, and 37 depend from claims 1 and 20, incorporating their limitations respectively. Thus, for at least the same reasons, claims 9-13, 28-32, 34, 35, and 37 are patentable over Wang and Conner.

Accordingly, claims 9-13, 28-32, 34, 35, and 37 are clearly patentable over Wang in view of Conner.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-38 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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